

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.9823 OF 2004

Shri Ankush Ramchandra Jagdale, .. Petitioner

Vs

Smt Prayagabai Sahebrao Jagdale,

since deceased,

1. Baburao Sahebrao jagdale and ors .. Respondents

Mr S.A.Sawant, for the petitioner.

Mr D.A.Patil, AGP for the respondents.

CORAM : D.B.BHOSALE, J.

DATE : 16th December, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the concurrent findings recorded by the courts below in Exhibit-5 application which was filed by the respondents-plaintiffs seeking injunction against the petitioner restraining them from obstructing and/or disturbing their peaceful possession over the suit property. Mr Sawant, learned counsel for the petitioner, fairly stated that the reasons need not be recorded for disposing of the petition. Keeping that in view and considering the overall facts and circumstances of the case, I am satisfied that the following order

will meet the ends of justice.

(i) The trial Court shall endeavour to dispose of the suit, bearing R.C.S.No.98 of 2003, as expeditiously as possible and preferably within a period of one year from the date of receipt of this order. The trial Court shall decide the suit on merits in accordance with law and uninfluenced by the observations made by the courts below while dealing with the application-Exhibit-5. The writ petition is, accordingly, disposed of.

(ii) The petitioner to produce copy of this order before the trial Court within four weeks from today.

(D.B.BHOSALE, J.)